

*DR 690-1-335

DEPARTMENT OF THE ARMY
ST. LOUIS DISTRICT, CORPS OF ENGINEERS
ST. LOUIS, MISSOURI 63103-2833

Regulation
No. 690-1-335

27 August 1995

Civilian Personnel
MERIT PROMOTION AND PLACEMENT PLAN

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1. Purpose. This regulation sets forth a standard plan to fill vacancies and effect other placement actions for civilian appropriated fund positions. The plan complies with the requirements of the law, Office of Personnel Management (OPM), Department of Defense (DOD), Department of the Army (DA), and higher headquarters.

2. Scope. This plan is applicable to all activities serviced by the Human Resources Office (HRO), St. Louis District (SLD), Corps of Engineers (CE).

3. Policy. It is the policy of the HRO to help management recruit the best available candidates from whatever source, to fill vacant positions in the competitive service on the basis of merit and fitness, and to afford maximum opportunity for continuity of employment and optimum development and utilization of employee skills.

4. General requirements.

a. Equal employment opportunity. Evaluation of qualifications, ranking of eligibles, and selection for promotion will be made on a fair and equitable basis without discrimination for any non-merit reason such as race, color, religion, sex,

*This regulation supersedes DR 690-1-335, dated 11 June 1984, and changes thereto.

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national origin, politics, marital status, physical handicap, age, membership or nonmembership in an employee organization. Actions taken under this plan will be based solely on job related criteria. Recruitment actions will be reviewed by the EEO as appropriate.

b. Administration of the promotion system will include provision of necessary information to employees and the public, ensuring individuals' right to privacy. Records of actions taken under this plan sufficient to allow reconstruction (including documentation on how candidates were rated and ranked) will be maintained for two years.

c. Recruitment area for promotion or promotion potential.

(1) The minimum area for recruitment for most positions filled under this plan will normally be decided by the supervisor of the vacant position with advice from the HRO. The recruitment area will be described on the individual job opportunity announcement. EEO Affirmative Action goals contained in the Affirmative Action Plan and Federal Equal Opportunity Recruitment Plan will be considered when establishing areas for recruitment.

(2) In order to assure that employees temporarily absent for legitimate reasons (e.g., short-term military service, TDY, or leave) receive appropriate consideration, procedures will be established in each organizational element to assure that applications are submitted for such employees. Employees are responsible for making applications and notifying their supervisor so that appropriate consideration is given to desired positions.

(3) Voluntary applicants may be considered prior to, concurrent with, or following competitive merit placement candidates. Voluntary applicants may include Army, DOD or other Federal employees; VRA eligibles; individuals with disabilities; 30% or more disabled veterans; reinstatement eligibles; applicants within reach on OPM registers and/or individuals from any other appropriate source consistent with applicable rules.

(4) Special recruitment requirements and upward mobility principles: Under the DA and OPM policies, special recruitment plans are periodically developed to augment local procedures. As the need arises, this regulation will encompass each such plan with due respect to the intent and spirit of this regulation and the merit system principles.

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5. When competitive procedures must be used.

a. All permanent promotions to a grade higher than previously held on a permanent appointment except as described in paragraphs 6 and 7 of this plan.

b. All term promotions and temporary promotions over 120 days. Except as described in paragraphs 6 and 7 of this plan.

(1) Term promotions in excess of one year but not more than four years may be used for designated projects or planned rotational assignments. Extensions of term promotions beyond four years must be requested and approved by HQDA.

(2) In computing the 120 days for temporary promotions, prior service during the preceding 12 months under noncompetitive details to higher graded positions and noncompetitive time-limited promotions counts toward the 120-day total. If appropriate, the option to make these promotions permanent without additional competition must be stated in the vacancy announcement.

(3) Temporary/term promotions may not be used for purposes of training or evaluating for a higher-graded position.

c. Details of more than 120 days to a higher grade position or to a position with known promotion potential (prior service during the preceding 12 months under noncompetitive details to higher graded positions and noncompetitive time-limited promotions counts toward the 120-day total).

d. Training which is given primarily to prepare an employee for advancement and is required for promotion.

e. Transfer from another Federal agency to a higher grade position than any held on a permanent competitive appointment.

f. Reinstatement to a permanent or temporary position at a higher grade than any held on a permanent competitive appointment.

6. When competitive procedures of this plan are not applied.

a. Priority placement. Career and career-conditional employees serviced by the HRO whose positions are abolished/canceled will be placed in vacancies for which they qualify and which are not above the highest grade permanently held in the competitive service. These placements will take precedence over all other priorities.

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b. DA/DOD special placement programs. DOD Priority Placement Program (PPP) will take precedence over placement under this regulation except for placement of individuals having statutory, regulatory, administrative reemployment or restoration rights or to whom a like employment obligation exists, or placement of employees entitled to mandatory placement consideration in this regulation.

c. Positions in the DOD/DA established career programs at grade levels subject to mandatory referrals by higher headquarters will be filled through applicable procedures of the Career Program regulations (DA-AR-950 series), which include competitive procedures similar to those contained in this regulation.

d. Promotion resulting from reclassification of a position without significant change in duties and responsibilities on the basis of a classification error.

e. A position change permitted by reduction-in-force regulations.

f. Any action, including a promotion, directed by an individual or organization with authority which supersedes this regulation. These include but are not limited to actions as a result of discrimination complaint decisions, court decisions, or arbitrators' decisions.

g. Selection of current or former Federal employees from an OPM or other appropriate competitive inventory.

h. Conversion of severely physically/mentally handicapped individuals, veterans readjustment appointment eligibles, 30% disabled veterans and Student Career Experience Program (SCEP) graduates to career-conditional appointments.

7. When competitive procedures are optional.

a. DoD policy requires special consideration for repromotion be given to employees receiving grade, pay, or salary retention benefits. Selecting officials should provide strong rationale for non-selection of well qualified repromotion candidates whose eligibility for referral under the PPP has expired. This special consideration must be given at least as long as the retention benefits continue.

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b. A position change of a current employee from a position having known promotion potential to a position having no higher potential.

c. Consideration of a candidate not given proper consideration in a competitive promotion action.

d. Temporary promotions for periods of 120 days or less (prior service during the preceding 12 months under noncompetitive details to higher graded positions and noncompetitive time-limited promotions counts toward the 120-day total).

e. Details for 120 days or less to higher graded positions, or positions with known promotion potential (prior service during the preceding 12 months under noncompetitive details to higher graded positions and noncompetitive time-limited promotions counts toward the 120-day total).

f. Detail, reinstatement, transfer or promotion to a permanent or temporary position at a grade no higher than one held on a permanent appointment in the competitive service. This applies even when the employee did not reach the full performance level of the position (unless the position was lost due to performance or conduct).

g. Career promotion, that is, promotion of an employee without current competition when:

(1) The employee's position is reclassified at a higher grade because of additional duties and responsibilities and all the following conditions are met:

(a) there are no other employees at the same grade in the unit supervised by the selecting official who are performing duties substantially the same as those performed by the employee before the addition of the new duties and responsibilities and

(b) the employee continues to perform the same basic functions as those in the former position and the duties of the former position are in the new position and

(c) the addition of the duties and responsibilities does not adversely affect another employee's position, such as job abolishment, downgrade or reduction in known promotion potential and

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(d) the employee meets all eligibility and qualification requirements for the position.

(2) An individual was selected from an OPM register or other competitive inventory, or under the competitive procedures of this plan for:

(a) position with known promotion potential or

(b) participation in a formal training program or executive development plan.

(3) A Student Career Experience Program participant is non-competitively converted to a position with known promotion potential in the competitive service. Promotion up to and including target grade may be effected without competition.

h. Appointment of veterans with 30 percent disability.

i. Appointment or promotion of VRA eligibles to a grade for which original appointment provided known promotion potential.

j. Positions identified as underrepresented by any protected class will be strongly considered for fill under competitive procedure.

8. Competitive promotion procedures.

a. Evaluation procedures. The overall objective of the evaluation process is to narrow the number of eligible candidates to a reasonable number from which a selection may be made and to assure the selection is made from among the best qualified. To achieve these objectives, applicants will be screened according to:

(1) Minimum (basic) qualification requirements. The minimum qualification standards for promotion(s) shall be the standards prescribed and/or approved by OPM, including provisions for in-service placement, appropriate selective placement factors, and written tests required or approved by the OPM. All candidates who meet the appropriate minimum standards have basic eligibility for promotion.

(2) Determining best qualified. All applicants who meet minimum (basic) qualification requirements, including written tests when authorized by the OPM, will be further evaluated to determine the degree to which they possess job related knowledges, skills, abilities, and other characteristics (KSAOs). Such evaluation criteria will be developed jointly by

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the HRO representative, operating officials, and/or technically qualified subject matter experts and will be used to distinguish the best qualified. The end product of the evaluation is a determination of the candidate's demonstrated or potential ability to do the job.

b. Performance linkage. Official performance ratings and recognition granted under the incentive awards program will be factors in rating employees who otherwise meet requirements for promotion.

9. Corrective actions.

a. Failure to adhere strictly to all laws, regulations and procedures related to the Merit Promotion and Placement Program must be rectified promptly. The type of action taken for and/or against employees and/or officials responsible for the violation will be in accordance with applicable laws and regulations regarding military or civilian personnel, and/or as directed by higher headquarters.

b. In order to assure that actions are processed in accordance with regulatory and/or procedural requirements, corrections of errors or oversight will be made as soon as they are discovered to include correcting any outstanding DA 2600, Selection and Referral Register. The promotion records will be so documented.

c. Priority consideration may be given only to candidates who were adversely affected due to a procedural, regulatory, or program violation. If reconstruction shows that the candidate is not in the best qualified group, that candidate is not adversely affected and no priority consideration is to be granted. Priority consideration may be granted only once for each time proper consideration in a competitive promotion action was not given. Priority consideration will be for the next appropriate vacancy which meets **all** the following conditions:

(1) A similar type position in the same pay system as the one for which the candidate failed to receive proper consideration.

(2) One in which the candidate has indicated prior interest.

(3) One at the same grade level with no higher potential than the position for which consideration was lost.

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d. Employees have the right to file a complaint relating to a promotion action under the appropriate grievance procedure. While the procedures used by an agency to identify and rank qualified candidates are proper subjects for formal complaints or grievances, non-selection from among a group of properly ranked and certified candidates is not. Neither is there a right of appeal to the OPM. Complaints of discrimination under Title VII of the U.S. Code are considered under the provisions of that statute.

10. Summary. The intent of this regulation is to promote fairness and impartial promotion consideration for all employees. While this Merit Promotion and Placement Plan contains all the mandatory features under Civil Service Regulations, it is neither feasible nor desirable to include in detail all of the explanatory material contained in such regulations.



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